

NEW YORK STATE BOARD FOR CHIROPRACTIC  
MINUTES OF MEETING  
Thursday September 29<sup>th</sup>, 2022  
10:00 a.m. – 2:00 p.m.  
MMMM Room  
New York State Education Department  
1411 Broadway, 10<sup>th</sup> Floor  
New York, New York 10018

**PRESENT:** Fiona Jarrett-Thelwell, D.C., Chair; Anthony Morgante, D.C., Vice-Chair; Mark Craft, D.C.; Gary DiBenedetto, D.C; Caroline Maher, PM; Elaina Pirro-Lombardi, D.C.; Bruce Steinberg, D.C; Michael Zumpano, Ph.D., D.C.

**ABSENT:**

**STAFF:** Dolores Cottrell, Executive Secretary; Michael Puspurs

**Extended**

**Board Members:** Anne Reid

**Guests:** Joseph Baudille, D.C., NYCC. Perry Ochacher, Willett Public Affairs

**Welcome and Review of Agenda:**

Dr. Jarrett-Thelwell welcomed everyone made a motion to call the meeting to order at 10:00 a.m..  
Formal introductions followed.

**MINUTES:**

The minutes of the June 16, 2022 meeting were reviewed. A motion was made to approve the minutes as amended (Steinberg/Morgante).

**BOARD CHAIR REPORT:**

Dr. Jarrett-Thelwell began her report by briefly reflecting upon the COVID-19 pandemic and highlighting some new office practice implementations resulting from the State-wide restrictions. Dr. Jarrett-Thelwell mentioned that the Fall of 2022 brings with the profession an increased enrollment across the chiropractic Colleges as there was a tremendous down-swing during the pandemic. Most educational institutions are seeing greener pastures as academic programs are more appealing to prospective students such as a hybrid-format.

**EXECUTIVE SECRETARY REPORT:**

Dr. Cottrell started her report stating that Governor Hochul did not extend the open meetings law, so the future meetings will be in person. Dr. Cottrell informed members that OP is working on automation of licensure and that the projected implementation timeframe is July of 2023.

Dr. Cottrell ended her report presenting Dr. Craft his certificate for serving as Board Chair and thanked him for his exemplary service.

## COMMITTEE REPORTS:

Legislative Committee – Dr. Morgante, Chair, stated that the Opioid Bill is waiting for the Governor’s signature. Dr. Morgante informed members that the Scope Modernization Bill is still in review in the Legislature.

Practice Committee – Dr. Craft, Chair, stated that there was a featured article with Chiropractic Economics magazine about Board Chair Dr. Jarrett-Thelwell. Dr. Craft informed members that the Diagnostic Ultrasound and Acupuncture Practice Alerts were agreed upon by the Board.

Public Information Committee - Dr. Steinberg, Chair, stated that he will email the practice alerts to NYCC, NYSCA, Northeast College of Health Sciences and D’Youville College

Outreach Committee - Dr. DiBenedetto, Chair, stated that he didn’t hear back about Outreach from Northeast College of Health Sciences, D’Youville College or NYSCA. The Board had a lengthy discussion about ways to get them to provide information about what programs or activities they have done between the Board meetings.

Dr. Baudille mentioned how reimbursement was low for obtaining diagnostic imaging (radiographs) in some chiropractic offices and that he and other chiropractors take images for subluxation (*chiropractic subluxation*) purposes, and they are not being reimbursed well. Dr. Di Benedetto asked Dr. Jarrett-Thelwell what documentation she and Northeast College require for imaging. Dr. Jarrett Thelwell stated the decision to obtain Diagnostic Imaging is based upon and should be based upon evidenced-based criteria and best-practices, etc. She referred him to the American College of Radiology website. Dr. Jarrett-Thelwell also told them that the American College of Radiology Appropriateness Criteria guidelines is one of the evidence-based guidelines that exist to assist referring physicians and other healthcare providers in making the most appropriate imaging or treatment decision for a specific clinical condition. In addition, she briefly mentioned other evidence-based guidelines such as the Ottawa cervical rules, Ottawa knee rules and the Ottawa ankle rules. Employing these guidelines helps providers enhance quality of care and contribute to the most efficacious use of radiology. Dr. Jarrett-Thelwell went on to say that, first and foremost, the practicing clinician must practice within scope and clinical judgement: obtain an appropriate history, physical examination, generate a diagnosis/differential diagnosis, determine if additional tests is/are warranted (labs/diagnostic imaging), determine a consultation/referral etc.

Program Review Committee (extension of the practice committee) – Dr. Jarrett-Thelwell, Chair, stated that the same subject matters are being denied for CE courses: functional medicine, return to play and nutrition to treat COVID. The Board had a lengthy discussion about PACE courses.

## OLD BUSINESS:

- Scope Modernization update – In the legislative committee report.

● Part IV Boards update-Dr. Cottrell said that Dr. Morgante and Dr. DiBenedetto will be the representatives at the November exam. Dr. DiBenedetto said he has a potential conflict and cannot serve. Dr. Craft has a prior engagement and cannot serve as backup this time

● Practice Alert-Diagnostic Ultrasound- A Motion was made to accept this as the final practice alert to be sent to Legal for review (Zumpano/DiBenedetto). Motion unanimously approved.

## **NEW BUSINESS**

● Practice Alert-Acupuncture- A Motion to accept this as the final practice alert to be sent to Legal for review (Steinberg/Morgante). Motion unanimously approved

● Updated Test Your Knowledge of Law and Practice Questions- The Board discussed their changes to the questions and agreed to have the Board Office send the revised changes in red tract changes to the Board Members to review. Dr. Zumpano and Dr. Craft agreed to work on an FAQ for the student survey questions.

● Topics for Jurisprudence Exam- The Board agreed to finish updating the Test Your Knowledge of Law and Practice Questions first and then get them posted on the OP website. The Board discussed having a Jurisprudence exam, but that would take a regulatory change.

## **Questions and Answers:**

**NEXT MEETING:** The next meeting will be held on Thursday January 12,2023 from 10:00 a.m. to 2:00 p.m. in Albany.

## **ADJOURNMENT:**

Dr. Jarrett-Thelwell, Chair thanked all for their participation and asked for a motion to adjourn at 12:11 p.m.. (Zumpano/Morgante/). Motion unanimously approved

## **EXECUTIVE SESSION:**

A motion was made to enter Executive Session at 12:26 p.m. (Jarrett-Thelwell/Zumpano). The disciplinary cases were discussed. The Board motioned out of Executive Session at 12:42 p.m. (Steinberg/Morgante).

